

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DANNY AMEN VALENTINE SHABAZZ

Plaintiff,

v.

ROBERT RZA DIGGS, SCOTT
WHITELEATHER, ROBERT IGER, RON
HOWARD, and BRIAN GRAZER,

Defendants.

DANNY AMEN VALENTINE SHABAZZ

Plaintiff,

v.

CHRIS BRUCE, CERRON CADE, NICK
SABEAN, and JEFF FLYNN,

Defendants.

Civil Action No. 23-12046 (JXN) (ESK)

and

Civil Action No. 23-16641 (JXN) (JBC)

**MEMORANDUM
OPINION & ORDER**

NEALS, District Judge:

THIS MATTER comes before the Court upon *pro se* Plaintiff Danny Amen Valentine Shabazz’s (“Plaintiff’s”) complaint (ECF No. 1) (the “23-14046 Complaint”), as well as Plaintiff’s application to proceed *in forma pauperis* (ECF No. 7) (the “23-14046 IFP Application”) in **2:23-cv-12046**. The matter also comes before the Court upon Plaintiff’s complaint (ECF No. 1) (the “23-16641 Complaint”) and Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1-1) (the “23-16641 IFP Application”) in **2:23-cv-16641**. For the reasons set forth below, in **2:23-cv-12046**, the IFP Application is **DENIED *without prejudice*** and the Complaint is **DISMISSED**

without prejudice. And in **2:23-cv-16641**, the IFP Application is **DENIED *without prejudice*** and the Complaint is **DISMISSED *without prejudice***.

A. In 2:23-cv-12046, Plaintiff's IFP Application (ECF No. 7) is Denied *without Prejudice* and Plaintiff's Complaint (ECF No. 1) is Dismissed *without Prejudice*

1. Pursuant to 28 U.S.C. § 1915, the Court must carefully review the IFP Application, “and, if convinced that [Plaintiff] is unable to pay the court costs and filing fees, . . . grant leave to proceed *in forma pauperis*.” *Douris v. Middletown Twp.*, 293 F.App'x 130, 132 (3d Cir. 2008) (citation omitted). In the 23-12046 IFP Application, Plaintiff has not provided the necessary information requested in the application instructions, which requires applicants to “[c]omplete all questions in [the] application and then sign it” and to “not leave any blanks: if the answer to a question is ‘0,’ ‘none,’ or ‘not applicable (N/A),’ write that response.” Indeed, the 23-14046 IFP Application contains numerous blank entries. *See, gen.*, 23-14046 IFP Application. As a result, the Court finds Plaintiff is not entitled to proceed *in forma pauperis*.

2. Upon submission of the 23-14046 IFP Application, the 23-14046 Complaint is subject to *sua sponte* screening by the Court. 28 U.S.C. § 1915(e)(2). To that end, the Court may dismiss the Complaint if it “fails to state a claim on which relief may be granted[.]” § 1915(e)(2)(B)(ii). Because the 23-14046 Complaint fails to state a claim, it is dismissed *without prejudice*.

3. In analyzing complaints under § 1915(e)(2)(B)(ii), the Court applies the same standard of review as that for dismissal under Federal Rule of Civil Procedure 12(b)(6). *Schreane v. Seana*, 506 F.App'x 120, 122 (3d Cir. 2012). Under Rule 12(b)(6), a complaint must contain sufficient factual matter to state a plausible claim. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citation omitted). A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct

alleged.” *Ibid.* The Court must “accept all factual allegations as true, [and] construe the complaint in the light most favorable to the plaintiff” *Phillips v. Cty. of Allegheny*, 515 F.3d 224, 233 (3d Cir. 2008) (citations and internal quotations omitted).

4. Here, the 23-14046 Complaint alleges that unidentified defendants “greenlit Danny and his family’s life story illegally[,]” causing Plaintiff “[a] loss of 2.2 billion in revenues and multiple family members have been damaged and passed away.” Compl. ¶¶ 1-2. Plaintiff also alleges that “[w]e have reason to believe the CIA or FBI removed Kurt[] [Leitner’s] NDA from the Google pipeline to hide the facts of this case.” *Id.* ¶ 4. In purported support, Plaintiff claims “[c]riminal copyright fraud[,] . . . waste management of funds, defamation, statute of frauds[,] and insider threat development.” *Id.* ¶ 3. And “request[s] a summary judgment and to shut this production down and have Robert Diggs return all masters[,]” and to have “Cerron cade of the Office of Budget and Management return Danny’s trust fund and inheritance that are copyrights from the bail out of 1.2 billion.” *Id.* ¶ 5.

5. Such allegations are bald assertions and conclusory allegations that are insufficient to “state a claim to relief that is plausible on its face.” *Ashcroft*, 556 U.S. at 678 (citation omitted). To be sure, the Court “need not . . . credit a *pro se* plaintiffs’ bald assertions or legal conclusions.” *D’Agostino v. CECOM RDEC*, No. 10-4558, 2010 WL 3719623, at *1 (D.N.J. Sept. 10, 2010) (citation and internal quotations omitted). The Complaint is also a “shotgun pleading” as it fails to “specify[] which of the defendants are responsible for which acts or omissions, or which of the defendants the claim is brought against.” *Radhakrishnan v. Pugliese*, 2021 WL 11593799, at *1 (D.N.J. May 21, 2021) (citations omitted). Indeed, the 23-14046 Complaint neither specifies which defendant did what nor puts any defendant on notice of the claims against them. Because

the 23-14046 Complaint does not comply with Rule 8 and fails to state a claim under § 1915(e)(2)(B)(ii), the 23-14046 Complaint is dismissed *without prejudice*.

B. In 2:23-cv-16641, Plaintiff's IFP Application (ECF No. 1-1) is Denied *without prejudice* and Plaintiff's Complaint (ECF No. 1) is Dismissed *without Prejudice*

6. The Court carefully reviewed the 23-16641 IFP Application (ECF No. 1-1) to determine whether Plaintiff is entitled to proceed *in forma pauperis*. The Court also screened the 23-16641 Complaint (ECF No. 1) *sua sponte* pursuant to 28 U.S.C. § 1915(e)(2). The Court denies the 23-16641 IFP Application *without prejudice* as incomplete. Further, the Court dismisses the 23-16641 Complaint as duplicative of **2:23-cv-05286**. When faced with a duplicative complaint, the Court may dismiss the second complaint without prejudice. *Walton v. Eaton Corp.*, 563 F.2d 66, 70-71 (3d Cir. 1977). Here, the Court finds that dismissal of the 23-16641 Complaint is appropriate as duplicative of the Complaint in **2:23-cv-05286**. *See Battie v. Camden Cty. Jail*, 16-8594, 2017 WL 2362843, *3 (D.N.J. May 31, 2017) (dismissing duplicative complaint without prejudice); *Fabics v. City of New Brunswick*, 629 F.App'x 196, 199 (3d Cir. 2015) (affirming district court's dismissal of duplicative complaint with prejudice). Thus, the 23-16641 Complaint is dismissed *without prejudice*.

For all the foregoing reasons, it is hereby,

ORDERED that this Memorandum Opinion and Order shall relate to **2:23-cv-12046** and **2:23-cv-16641** with the same force and effect; it is further

ORDERED that in **2:23-cv-12046**, Plaintiff's IFP Application (ECF No. 7) is **DENIED *without prejudice***, and Plaintiff's Complaint (ECF No. 1) is **DISMISSED *without prejudice***; it is further

ORDERED that in **2:23-cv-16641**, Plaintiff's IFP application (ECF No. 1-1) is **DENIED *without prejudice***, and Plaintiff's Complaint (ECF No. 1) is **DISMISSED *without prejudice***; it is further

ORDERED that Plaintiff may submit an IFP Application or, alternatively, submit payment in the amount of \$402 within 14 days from the date of this Order to reopen the case in **2:23-cv-12046** and/or **2:23-cv-16641** without further action from the Court; it is further

ORDERED that Plaintiff may file an amended complaint within 14-days of this Order in **2:23-cv-12046** and/or **2:23-cv-16641** to cure the deficiencies discussed herein; it is further

ORDERED that the Clerk of Court shall **ADMINISTRATIVELY TERMINATE 2:23-cv-12046** and **2:23-cv-16641 *without prejudice*** to restoration to the active docket should Plaintiff submit an alternative IFP or submit payment, and file an amended complaint, should he choose to do so.

DATED: 9/26/2023

s/ Julien Xavier Neals
JULIEN XAVIER NEALS
United States District Judge